IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3632 OF 2005

Pramila Charudatta Shukla @
Sharmila Dikshit & anr. ... Applicants.
Versus.
The State of Maharashtra. ... Respondent.

Shri R.C.Kaushik for the Applicant.

Ms.M.H.Mhatre, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 13th June, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. It is not in dispute that an Application for anticipatory bail was earlier made by the Applicant No.1 in the Sessions Court and that Application was not pressed on merits. Therefore, this Application at the instance of the Applicant No.1 cannot be entertained. If there is any change of circumstance, it is for the Applicant No.1 to approach the learned Sessions Judge with fresh application.

2. Insofar as the Applicant No.2 is concerned, he has not approached the Sessions Court for grant of anticipatory bail. Hence the Application of the Applicant No.2 is not entertained. It will be open for the Applicant No.2 to apply to the Sessions Court for grant of anticipatory bail. The Application is disposed

of in the above terms.

3. At this stage the learned Counsel appearing for the Applicants submitted that this application is filed on the ground that the Applicant No.1 has undergone operation one month back and still she is suffering from pain. He, therefore, submits that till the Application is made before the Sessions Court, the Applicant No.1 may be protected. He invited my attention to the documents at pages 26 and 27.

4. If Applicant No.1 has a case for grant of anticipatory bail on the basis of the circumstances which have come into existence after the disposal of her earlier application, it is for the concerned Sessions Court to consider the same. However, considering that the Applicant No.1 is a lady, it is directed that for a period of four days, she will not be arrested in connection with C.R.No.125/2005 registered at Sahakar Nagar Police Station, District Pune. It is made clear that this limited relief is not granted on merits and it is granted only to enable the Applicant No.1 to move appropriate application before the Sessions Court.

5. Parties to act on authenticated copy of the order.

Judge.